

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

THREE FORKS RANCH CORP.,

Plaintiff,

vs.

DEREK SCHWANEBECK, and LESA
SCHWANEBECK,

Defendants.

4:20-CV-3126

ORDER

This matter is before the Court on John C. Odom's Motion to Quash Subpoena to Appear and Testify ([filing 143](#)). This Court has reviewed [Fed. R. Civ. P. 43\(c\)\(1\)\(B\)](#) and [Fed. R. Civ. P. 45\(d\)\(3\)\(A\)\(4\)](#) and has determined that the balance of factors weighs in favor of commanding Mr. Odom to appear. *See Petrone v. Werner Enterprises, Inc.*, No. 8:11-cv-401, 2017 WL 2118650, at *2 ([D. Neb. May 12, 2017](#)).

Because Mr. Odom is a key fact witness in this case, was a party who was dismissed, whose credibility is at issue, and can testify regarding key issues in this case such as the availability of water on the Schwanebecks' farm, and because any burden has been reduced because this Court will allow Mr. Odom to appear remotely, Mr. Odom must comply with the subpoena.

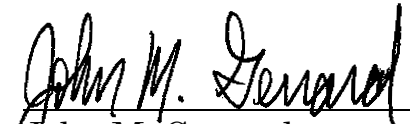
IT IS ORDERED:

1. John C. Odom's Motion to Quash Subpoena ([filing 143](#)) is denied, conditioned upon the defendants paying Mr. Odom \$500.

2. John C. Odom is ordered to report on November 16, 2022, at 7:45 AM Mountain Standard Time (8:45 AM Central Standard Time) to Don Miller's Law Office, 1113 10th Ave, Sidney, Nebraska, phone number (308) 254-2600. Mr. Odom is ordered to appear by Zoom in the above proceedings and to provide trial testimony as ordered by this Court.
3. The Clerk of the Court shall provide e-mail notice of this order to the movant's counsel at: jrk@rkslawoffice.com.

Dated this 15th day of November, 2022.

BY THE COURT:



John M. Gerrard
United States District Judge